

1 RENE L. VALLADARES  
2 Federal Public Defender  
3 Nevada State Bar No. 11479  
4 MONIQUE KIRTLEY  
5 Assistant Federal Public Defender  
6 411 E. Bonneville, Ste. 250  
7 Las Vegas, Nevada 89101  
8 (702) 388-6577/Phone  
9 (702) 388-6261/Fax  
10 Monique\_Kirtley@fd.org

11 Attorney for Virab Torosyan

12  
13 **UNITED STATES DISTRICT COURT**  
14  
15 **DISTRICT OF NEVADA**

16 UNITED STATES OF AMERICA,

17 Case No. 2:16-cr-063-APG-PAL

18 Plaintiff,

19 v.  
20 **STIPULATION TO CONTINUE**  
21 **OBJECTIONS TO REPORT AND**  
22 **RECOMMENDATION [ECF NO. 82]**

23 VIRAB TOROSYAN,

24 (Second Request)

25 Defendant.

26  
27 IT IS HEREBY STIPULATED AND AGREED, by and between Steven W. Myhre,  
28 Acting United States Attorney, and Kilby Macfadden, Assistant United States Attorney,  
29 counsel for the United Stated of America, and Rene L. Valladares, Federal Public Defender,  
30 and Monique Kirtley, Assistant Federal Public Defender, counsel for Virab Torosyan, that the  
31 Objections to Magistrate's Report and Recommendation (ECF No. 82) be extended fourteen  
32 (14) days, from the presently set date of August 17, 2017.  
33

34 The Stipulation is entered into for the following reasons:

35 1. On June 20, 2017, the Magistrate Court held a Motion Hearing regarding  
36 defendant's Motion to Suppress (ECF No. 76). The Magistrate Court filed its Report and  
37 Recommendation on July 28, 2017. (ECF. No. 82).

1           2. On August 8, 2017, Defense counsel ordered the transcript from the Motion to  
2 Suppress Hearing. Defense counsel received the transcript on August 17, 2017. Defense  
3 counsel needs time to finish her objections to the Report and Recommendation (ECF No. 82).

4           3. The defendant is incarcerated and does not object to the continuance.

5           4. The parties agree to the continuance.

6           5. The additional time requested herein is not sought for purposes of delay, but  
7 merely to allow counsel for the defendant sufficient time review the transcript of the Motion  
8 Hearing and to file written objections to the Report and Recommendation.

9           6. Additionally, denial of this request for continuance could result in a miscarriage  
10 of justice. The additional time requested by this stipulation is excludable in computing the time  
11 within which the trial herein must commence pursuant to the Speedy Trial Act, § 3161(h)(7)(A),  
12 considering the factors under Title 18, United States Code §§ 3161(h)(7)(B).

13           This is the second stipulation to continue filed herein.

14           DATED this 23<sup>rd</sup> day of August, 2017.

15           RENE L. VALLADARES  
16           Federal Public Defender

STEVEN W. MYHRE  
Acting United States Attorney

17           /s/ *Monique Kirtley*  
18           By \_\_\_\_\_  
19           MONIQUE KIRTLEY  
Assistant Federal Public Defender

17           /s/ *Kilby Macfadden*  
18           By \_\_\_\_\_  
19           KILBY MACFADDEN  
Assistant United States Attorney

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Case No. 2:16-cr-063-APG-PAL

Plaintiff,

V.

VIRAB TOROSYAN,

Defendant.

## ORDER

## **FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. On June 20, 2017, the Magistrate Court held a Motion Hearing regarding defendant's Motion to Suppress (ECF No. 76). The Magistrate Court filed its Report and Recommendation on July 28, 2017. (ECF. No. 82).

2. On August 8, 2017, Defense counsel ordered the transcript from the Motion to Suppress Hearing. Defense counsel received the transcript on August 17, 2017. Defense counsel needs time to finish her objections to the Report and Recommendation (ECF No. 82).

3. The defendant is incarcerated and does not object to the continuance.

4. The parties agree to the continuance.

5. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for the defendant sufficient time review the transcript of the Motion Hearing and to file written objections to the Report and Recommendation.

6. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, § 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B).

## **CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, title 18, United States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18, United States Code, §§ 316(h)(7)(B) and 3161(h)(7)(B)(iv).

## ORDER

IT IS FURTHER ORDERED that the objections to the Magistrate Judge's Report and Recommendation currently scheduled for August 18, 2017, be vacated and continued to August 31, 2017.

Dated: August 24, 2017.

UNITED STATES DISTRICT JUDGE